IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2926 OF 2002
IN
INCOME TAX APPEAL (LOD) NO. 856 OF 2002

The Commissioner of Income-tax ..Appellant.

V/s.

M/s.Allied Farms & Estates Co. Pvt.Ltd. ..Respondent.

Mr.Ashok Kotangale i/b. K.B.Rao for appellant.

Mr.S.J.Mehta for respondent.

CORAM : V.C. DAGA AND
J.P.DEVADHAR, JJ.

DATED : 30TH AUGUST, 2005.

P.C. :-

. This motion was on our board on 21/03/2004 and two weeks was granted at the request for the counsel appearing for revenue for filing better affidavit as the affidavit filed on behalf of the Revenue was casual without any particulars. After 15 months, the matter was again listed on 23/08/2005 showing non compliance of the earlier order dated 21/3/2004. Thereafter, again one week time was granted at the request for the counsel appearing for the revenue to comply with the order dated 21/3/2004. In spite of grant of one more adjournment, there is no

compliance of order dated 21/3/2005 and 23/08/2005. The affidavit filed also does not given any clear reasons for condonation of delay in filing the appeal. The motion is, therefore, dismissed with no order as to costs.

2. It appears that the Revenue is not interested either to comply with the order of this Court or protect its own interest. It is clear from the fact that in spite of more than 17 months time, no steps were taken to file better affidavit for condonation of delay.

(V.C. DAGA, J.)

(J.P.DEVADHAR, J.)